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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/546,347 | 04/07/2000 | Brian M. Perry | 2766.1001-001 | 2092 |
| 21005 | 7590 | 01/23/2004 | EXAMINER | |
| HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133 | | | AKERS, GEOFFREY R | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3624 | | |

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-----------------|--------------|--|
| Application No. | Applicant(s) | |
| 09/586387 | Perry | |
| Examiner | Art Unit | |
| Ahern, G | 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/24/03
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 13-60 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 13-60 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Response to Request for Continued Examination(RCE)

1. This action is issued in reply to applicant's Request for Continued Examination (RCE) (Paper #13) and Amendment B(Paper #14) filed 11/24/03.
2. Claims 1,13,23,31,38,40-45,56,59 were amended.Claim 12 was cancelled.New claim 60 was added.
3. Claims 1-11, 13-60 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-1,13-60 are rejected under 35 USC 103(a) as unpatentable over Huang(5,953,707) in view of Muraoka(US Pat. 6,317,725).

6. As per claims 1-1,13-60 Huang teaches a method of monitoring a supply chain activity(Abstract) of a plurality of sites(Fig 2)(Fig 1)(Fig 8)(Fig 46) on a network(Fig 46/406)(Fig 47) and extracting supply related data to be monitored(Fig 5) and collecting this data(col 9 lines 64-col 11 line 15) and uploading this data to a user at a user interface(Fig

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3/40). Furthermore, Huang teaches a DSS architecture(Decision Support System) to analyze supply chain efficiencies(col 4 line 45-col 6 line 57). Huang also teaches demand and forecast data(Fig 12/146/148) for the process as well as forecasting and planning (Fig 15) as well as a relational database(Fig 17)(Fig 19/216) and data sets comprising inventory data(Fig 19/182)(Fig 17/182) and legacy databases(Fig 16/136)(Fig 14/136)(Fig 13/136). Huang teaches delivery scheduling(Fig 20/212) and replenishment planning(Fig 23/270) as well as all vendor management of replenishment and participation(Fig 24) as well as a distribution network(Fig 27) and heirarchical sorting(Fig 37) as well as node structures for components, production, inventory, demand(Fig 38) and graphical user display(Fig 43)(Fig 45) of selected domains for status checking(Fig 39) as well as table updating and data display in a tree view(Fig 39) and encrytion online with an SQL server(Fig 47) as well as user authorization procedures(Fig 48) and scenario studies(Fig 54) and estimated behavior to anticipate any shortages or surpluses(Figs 64-67) as well as capacity checking(Fig 61) that is displayed to a user and which would constitute an alert condition(Fig 55). Huang does also not specifically teach triggering events but it would have been obvious that an alert could be generated at the VMR replenishment scheduled time(Fig 23/272). Huang further teaches supply chain management at even the component level for an OEM(Fig 4/54/52)(Fig 5)(Fig 6)(Fig 9)(Fig 8) as well as user interface(Fig 44/18). Huang teaches a blocked password for access(col 101 lines 24-26). Huang further teaches use of TCP/IP which can incorporate encryption(col 100 lines 32-col 101 line 16). In addition to that taught by Huang, Maraoka teaches periodic prediction loads over time(Fig 12/S4/S3) and load

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calculations(Fig 10) and determination if a target goal is achieved(Fig 12/S9)(Fig 7) or else is in an allowable range to determine surpluses and shortfalls(Fig. 13/S11) and accompanying corrections(Fig 13/S12). It would have been obvious to one skilled in the art at the time of the invention to combine Huang in view of Maraoka to teach the above. The motivation to combine is to teach a novel efficient production management system capable of discerning between currently urgently needed target products and non urgently need products for the future ands to take the necessary corrective actions as enunciated by Maraoka(col 3 lines 17-36) as applied to a supply chain.

Response to Arguments

7. Applicant's arguments with respect to claims 1-1,13-60 have been considered but are not persuasive. Huang does also not specifically teach triggering events but it would have been obvious that an alert could be generated at the VMR replenishment scheduled time(Fig 23/272).Huang teaches a blocked password for access(col 101 lines 24-26).Huang further teaches use of TCP/IP which can incorporate encryption(col 100 lines 32-col 101 line 16).

Conclusion

8. **THIS ACTION IS MADE NON-FINAL.**

9. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday

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through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

January 21, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER